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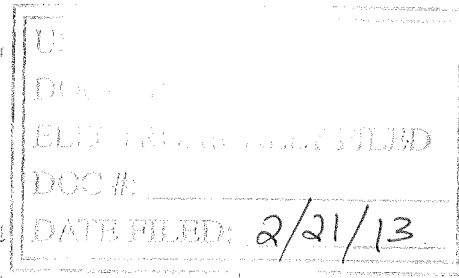
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February 21, 2013

**By Email**

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1610  
New York, NY 10007



**MEMO ENDORSED**

Re: *Eastman Kodak Company v. Altek Corporation*, 12-cv-246 (DLC)

Dear Judge Cote:

Altek filed a cross-motion for summary judgment on February 15, 2013 (Dkt. No. 68) but did not serve its supporting statement of facts until Tuesday, February 19 – four days after its statement of facts was due. Kodak believes that even Altek's cross-motion is untimely under the Court's December 7 Scheduling Order, which required summary judgment motions to be filed by February 1, 2013. (Dkt. No. 49.) Nevertheless, Kodak will submit its opposition by the February 22 deadline for the completion of summary judgment briefing. (*Id.*) But Altek's further delayed service of its statement of facts would leave Kodak just three days to respond to meet the February 22 deadline. Kodak therefore respectfully requests an extension to file its response to Altek's statement of facts until February 26, 2013. This is Kodak's first request for such relief. Altek consents to this request.

Respectfully submitted,

Michael J. Summersgill

*Granted*  
*Denise Cote*  
*February 21, 2013*

cc: Michael Heafey (by email)  
Lisa T. Simpson (by email)  
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